THE HON'BLE SRI JUSTICE A.GOPAL REDDY

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WRIT PETITION No.4841 of 2006

DATED: 03-04-2006

Between:

C.Peddi Reddy . . .Petitioner

And

The RDO, Dharmavaram, and another . . .Respondents

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WRIT PETITION No.4841 of 2006

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O R D E R:

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By means of filing this writ petition under Article 226 of the Constitution of India, the petitioner seeks a Mandamus directing the respondents for release of the essential commodities enabling him to distribute the same to the cardholders, since his authorization is in force.

It is not in dispute that on the basis of the allegations made by the cardholders pointing out the petitioner's irregularities that he has not distributing the essential commodities properly and causing much inconvenience and hardship to the cardholders, the 2nd respondent-Mandal Revenue Officer, C.K.Palli, conducted an enquiry. On the basis of the report submitted by the 2nd respondent, the 1st respondent issued a show cause notice to the petitioner on 21-12-2005 to appear before him on 31-12-2005 and to offer his explanation. Accordingly, the petitioner appeared and submitted his explanation on the said date denying the charges levelled against him.

In the counter-affidavit filed by the respondents, it is stated that during enquiry in the Village, the household supply cardholders requested not to allot the essential commodities to the petitioner, as he has not properly distributing the essential commodities to the cardholders and drought pension free rice to the destitutes and disabled persons in drought situation. Keeping in view the said representation, the irregularities committed by the petitioner, and pending enquiry pursuant to the show

cause notice, the Mandal Revenue Officer allotted the essential commodities pertaining to the petitioner's fair price shop, to the Mandal Revenue Inspector-II, Chennekothapalli, to ensure proper distribution of essential commodities to the cardholders of Amidalakunta Village from December, 2005 and the commodities were accordingly, distributed. Since the explanation offered by him was not convincing and the irregularities are grave in nature, authorization of the petitioner was cancelled by the

1st respondent vide proceedings in RC.No.3000/05, dated
06-03-2006.

Learned counsel for the petitioner contends that the authorization of the petitioner was cancelled on 06-03-2006 and the respondents served the said order on 13-03-2006. By that time, the petitioner had already filed the present writ petition. Though the authorization of the petitioner was intact, there is no explanation from the respondents as to why they have not supplied the essential commodities in favour of the petitioner, nor there is any written order not to allot the essential commodities in his favour for distribution of the same to the cardholders.

It is the bounden duty of the Welfare State as mandated under Article 39 of the Constitution of India to ensure a decent living of the poorer sections, destitutes and disabled persons in the drought situation and provide essential commodities for their sustenance.

Once a dealer has not discharged the duties and that when the deprived class of section, who are entitled to the benefits of distribution of essential commodities, complained that the essential commodities meant for them have not been distributed, even without suspension of his authorization, the authorities, who are responsible to see that the essential commodities should reach the cardholders and destitute people, can distribute the same through its agency.

The petitioner, who is facing charges for the illegality committed by him, cannot insist the respondents for supply of essential commodities merely on the ground that the authorization is subsisting. If deprived, the petitioner can claim the commission, which he is entitled to by such distribution, subject to outcome of the enquiry.

Since the authorization is now cancelled, the Mandamus as prayed for by the

petitioner cannot be granted, unless the same is set aside in the appeal, if any filed by the petitioner.

The writ petition is accordingly dismissed. However, the petitioner is at liberty to challenge the order of cancellation of his authorization, before the appropriate forum. There shall be no order as to costs.

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(A.GOPAL REDDY, J)

3rd APRIL, 2006.

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